

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1-27 are pending in this application. Claims 1-27 were rejected under 35 U.S.C. §101. Claims 1-3, 10-12, 14, 15, 19-21, 23, and 24 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. patent application publication 2002/0124079 A1 to Pulsipher in view of U.S. patent application publication 2002/0059410 A1 to Hara et al. (herein "Hara"). Claims 4-6, 13-15, and 22-24 were rejected under 35 U.S.C. §103(a) as unpatentable over Pulsipher in view of Hara and further in view of U.S. patent 7,080,141 to Baekelmans et al. (herein "Baekelmans"). Claims 9, 18, and 27 were rejected under 35 U.S.C. §103(a) as unpatentable over Pulsipher in view of Hara, further in view of Baekelmans, and further in view of U.S. patent 6,834,350 B1 to Boroughs et al. (herein "Boroughs"). Claims 7, 16, and 25 were rejected under 35 U.S.C. §103(a) as unpatentable over Pulsipher in view of Hara, and further in view of U.S. patent 6,112,015 to Planas et al. (herein "Planas"). Claims 8, 17, and 26 were rejected under 35 U.S.C. §103(a) as unpatentable over Pulsipher in view of Hara, and further in view of U.S. patent 6,539,425 B1 to Stevens et al. (herein "Stevens").

Addressing first the rejection of claims 1-27 under 35 U.S.C. §101, that rejection is traversed by the present response.

Applicants respectfully submit the outstanding rejection under 35 U.S.C. § 101 is not fully considering the claims. That rejection is based on the position that the claims are "simply abstract ideas". That basis for the rejection is traversed.

First, independent claim 1 is a plug-in device that performs specific operations of accessing a database, determining devices that belong to a group of network devices, polling the devices, and reporting results of the polling. The other independent claims all recite the

same operations. Those operations are clearly not abstract ideas but are clearly operations that produce useful, concrete, and tangible results.

Applicants further note the claims clearly recite an operation “to report .. results of the polling to the remote monitoring center”. That operation is clearly a useful, concrete, and tangible result. That operation is clearly useful as the remote monitoring center can utilize such a report of the polling. That result is clearly concrete as it indicates an actual polling operation, which provides actual information. Further, that result is clearly tangible as the physical information is being reported to the remote monitoring center.

Thereby, the claims clearly already recite a useful, concrete, and tangible result, which is being ignored in the Office Action.

The outstanding Office Action also suggested amending the claims to recite a “showing step of actually presenting the results of the poll of the network devices to a user in the form of a view”.¹

The claims do not recite to that detail, but applicants submit that level of detail is not required to recite a useful, concrete, and tangible result in the claims. Providing results of an analysis to a remote monitoring center clearly still provides a useful, concrete, and tangible result even without specifically reciting a display to a viewer.

Further, applicants submit there is clearly no requirement that for a claim to be statutory it must recite providing a result in a form of a view. Applicants respectfully request that if that basis for the rejection is maintained it be clearly cited where, i.e., what case law or where in the MPEP, there is support for the proposition that a claim must recite providing a result in a form of a view. Applicants respectfully submit that is clearly not the case.

In view of the foregoing comments, each of the claims is believed to be proper under 35 U.S.C. §101.

¹ Office Action of March 29, 2007, page 3, second full paragraph.

Addressing now the above-noted prior art rejections, those rejections are traversed by the present response.

Each of the new grounds for rejection relies on Pulsipher as a primary reference. However, applicants respectfully submit the claims distinguish over the applied art, and particularly how the applied art to Pulsipher is cited as a primary reference.

Each of the independent claims is amended by the present response to clarify the different operations performed therein are executed “through the standard network management software”. With reference to Figure 2 in the present specification as a non-limiting example, the claims are directed to a plug-in 11 that connects to standard network management software 13, and all the operations performed by the plug-in are performed through the network management software 13. The present specification sets forth such an operation at page 4, lines 1-5, stating:

The present invention is in specific detail directed to the plug-in 11 that can be installed in the network server 10 and that allows remote device management to be realized without requiring the use of any additional dedicated hardware. The plug-in 11 essentially utilizes the network management software 13, in this example the HP Open View™, as a platform for its operations.

Thereby, one benefit realized in the claimed invention is to be able to utilize existing standard network management software 13 and to avoid requiring additional dedicated hardware. In those ways the claimed invention clearly differs from Pulsipher.

Pulsipher in Figure 3 shows a device discovery module 300 that connects to a network interface 150. The device discovery module 300 also connects to the network manager software 140. However, with the connection to the network interface 150 the device discovery module 300 does not utilize the network management software 13 for its operations. Instead, the device discovery module 300 performs its own operations.

Applicants also note as shown in Figure 3 in Pulsipher the device discovery module 300 includes specialized hardware such as the device finder module 310 and the topology database 320. The claims are directed to a device that can avoid utilizing such dedicated hardware.

In the claimed invention, in contrast to Pulsipher, a plug-in is utilized to connect to existing network management software 13 to utilize that network management software. Pulsipher does not operate in that manner in that Pulsipher does not utilize the network manager software 140 for access to a database, to determine devices on the network, and to report a polling. Instead in Pulsipher the specialized dedicated device discovery module 300 is utilized.

In such ways, the claims as written clearly distinguish over Pulsipher.

Moreover, no disclosures in any of the secondary cited references cure the above-discussed deficiencies in Pulsipher.

Thereby, the claims as written are believed to clearly distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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